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Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Discussion Paper on the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

I. Discussion framework

1. The segment of the Third Biennial Meeting of States devoted to the International Instrument is to assess the implementation of the International Instrument as a whole. Thus, following the structure of the International Instrument in organizing the discussion at the meeting may prove useful. Therefore, a structure along three themes seems logical:

(a) Marking (International Instrument,[1] sect. III);

(b) Record-keeping (sect. IV);

(c) Cooperation in tracing (sect. V).

2. In discussing these themes, States should be encouraged to incorporate the following cross-cutting issues, as identified in both the International Instrument (especially sect. VI) and General Assembly resolution 62/47:

(a) National laws, regulations and administrative procedures — whether existing, new or planned — that ensure the effective implementation of the International Instrument (A/60/88, annex, para. 24);

(b) Implementation challenges and opportunities (resolution 62/47, para. 8);

(c) National experiences in tracing illicit small arms and light weapons (A/60/88, annex, para. 36);

(d) Measures taken in the field of international cooperation and assistance, including cooperation with the United Nations and the International Criminal Police Organization (INTERPOL) (A/60/88, annex, paras. 27-35).

[1] See A/60/88 and Corr.2, annex.

A. Marking

3. The key issues include:

(a) National marking practices related to markings used to indicate country of manufacture and/or country of import as applicable (A/60/88, annex, paras. 8 (a), 8 (b) and 31 (b));

(b) Measures taken to ensure that all small arms and light weapons in the possession of Government armed forces and security forces for their own use are duly marked (para. 8 (d));

(c) Measures developed by manufacturers within national jurisdiction against the removal or alteration of markings (para. 8 (e)).

4. For the purpose of effective implementation of the International Instrument, States are expected, as necessary, to establish laws, regulations and procedures to locate and mark unmarked Government stocks, acquire and operate equipment for small arms and light weapons marking, conduct research into marking technologies, train staff on marking and exchange information on national marking regulations and practices.

B. Record-keeping

5. The key issue is the measures taken by States to ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory, and maintained in accordance with the provisions of the International Instrument (A/60/88, annex, paras. 11 to 13).

6. For the purpose of effective implementation, States are expected, as necessary, to establish laws, regulations and administrative procedures relating to record-keeping systems including coordination between different Government departments, measures to record — or destroy — illicit small arms and light weapons found on national territory, computerization of existing record-keeping systems, staff training and information exchange on good and best record-keeping practices.

C. Cooperation in tracing

7. The key issues include:

(a) The establishment of a national point of contact for tracing and communication of this information to the Office for Disarmament Affairs (A/60/88, annex, para. 31 (a));

(b) Measures States have taken to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the International Instrument (para. 14);

(c) Information exchange on good and best regulations, administrative procedures and practices with regard to tracing mechanisms and procedures on the bilateral, regional and international levels.

8. For the purpose of effective implementation, States are expected, as necessary, to establish laws, regulations and administrative procedures on tracing systems,

including designation of national points of contact and necessary coordination between different Government departments, computerization of existing tracing systems, research into tracing technology, staff training, exchange of contact information of designated national points of contact and strengthening partnerships and cooperation regimes in the areas of tracing on the bilateral, regional and international levels.

II. Possible outcome of the Third Biennial Meeting of States with reference to the International Instrument

9. The outcome could underline the interdependent, mutually reinforcing nature of weapons marking, record-keeping and tracing. If States are to successfully trace weapons, they need first to uniquely identify the weapon using its markings and other characteristics, to be able to trace its history using existing records in the State of manufacture and/or last import.

A. Current priorities for implementation

10. States which have not yet done so can be encouraged to bring national laws, regulations and administrative procedures into line with the requirements of the International Instrument in particular regarding marking record-keeping and cooperation in tracing.

11. States which have not yet done so can be encouraged to designate national points of contact and to submit reports and exchange information on national marking practices.

12. States can be encouraged to exchange information on national marking, record-keeping and cooperation in tracing legislation, regulations and administrative procedures.

13. The role of the United Nations, INTERPOL and other relevant international, regional and subregional organizations in promoting implementation can be further endorsed.

14. Other priorities and proposed measures may be identified by States at the Third Biennial Meeting of States, including the area of International cooperation and assistance in implementation of the International Instrument.

B. International cooperation, assistance and capacity-building for effective implementation of the International Instrument

15. International cooperation and assistance is important for effective implementation, in particular in the following areas:

(a) Identification of best practices as well as implementation challenges and requirements, as necessary, for national capacity-building;

(b) Provision, by States in a position to do so, of technical, financial and other assistance both bilateral and multilateral to build or enhance national capacity in the areas of marking, record-keeping and tracing of illicit small arms and light weapons;

(c) Examination, by States in a position to do so, of technologies that would improve the effectiveness of the marking, tracing and detection of illicit small arms and light weapons as well as measures to facilitate the transfer of these technologies;

(d) Encouraging initiatives in the framework of the Programme of Action that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote implementation by States;

(e) Other priorities and proposed measures to be identified by States at the Third Biennial Meeting of States.